

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GUSTAVE DEBREE,	:	
	:	
Plaintiff,	:	
v.	:	3:20-CV-247
	:	(JUDGE MARIANI)
AMERICAN STATES	:	
INSURANCE COMPANY	:	
	:	
Defendant.	:	

ORDER

The background of this Order is as follows:

On March 31, 2020, Defendant filed a Motion to Dismiss Count Three of Plaintiff's Complaint (Doc. 6). The motion was subsequently referred to Magistrate Judge Carlson, who issued a Report and Recommendation ("R&R") (Doc. 29) on March 1, 2021, recommending that Defendant's motion be granted, but with leave to amend. No party filed objections to Magistrate Judge Carlson's R&R. However, on March 24, 2021, Plaintiff filed an Amended Complaint (Doc. 30).

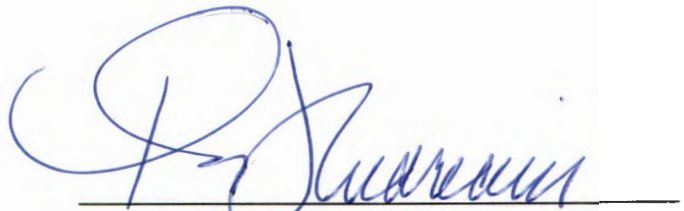
ACCORDINGLY, THIS 31ST DAY OF MARCH, 2021, upon review of Magistrate Judge Carlson's R&R (Doc. 29) for clear error or manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 29) is **ADOPTED** for the reasons set forth therein.

2. Defendant's Motion to Dismiss Count Three of Plaintiff's Complaint (Doc. 6) is

GRANTED. Count III of Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** to Plaintiff's right to amend the Complaint.

3. As Plaintiff submitted an Amended Complaint (Doc. 30) on March 24, 2021, the Court deems an Amended Complaint to have been filed.

A handwritten signature in blue ink, appearing to read "R. Mariani", is written over a horizontal line.

Robert D. Mariani
United States District Judge